

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

NUCLEUS RESEARCH, INC.,

Plaintiff,

v.

HARTFORD FIRE INSURANCE COMPANY,

Defendant.

CIVIL ACTION NO. 1:18-cv-11316

NOTICE OF REMOVAL

TO THE HONORABLE JUDGES AND CLERK OF THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MASSACHUSETTS:

Pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, the Defendant, Hartford Fire Insurance Company (the “Hartford”), hereby files and submits this Notice of Removal. In support of this Notice, the Hartford states as follows:

1. On or about May 29, 2018, plaintiff, Nucleus Research, Inc. (the “Plaintiff”) commenced an action in the Trial Court of the Commonwealth of Massachusetts, Superior Court Department, Suffolk County, under Civil Action Number 1884cv01629 by filing a Complaint captioned *Nucleus Research, Inc. v. Hartford Fire Insurance Company*. The Plaintiff then filed an Amended Complaint on June 6, 2018. A copy of the Amended Complaint is attached as Exhibit A.

2. Hartford was served with a copy of Plaintiff’s Amended Complaint on or about June 4, 2018. A copy of the summons with service information is attached as Exhibit B.

3. Pursuant to 28 U.S.C. § 1446(b), removal of the action to this Court from Suffolk Superior Court is timely as it is filed within thirty (30) days of service on the Hartford. See 28 U.S.C. § 1446(b)(1).

4. The United States District Court for the District of Massachusetts has original jurisdiction over this action pursuant to 28 U.S.C. § 1332(a) on the basis of diversity of citizenship and amount in controversy.

5. First, there is complete diversity of citizenship under 28 U.S.C. § 1332(a). The Plaintiff, Nucleus Research, Inc. is incorporated in Massachusetts and has a principal place of business located at 100 State Street, 10th Floor, Boston, MA 02109. See Ex. A at ¶ 1. Therefore, the Plaintiff is a citizen of Massachusetts.

6. The defendant, Hartford Fire Insurance Company is incorporated in Delaware and has a principal place of business located at One Hartford Plaza, Hartford, Connecticut. Accordingly, the Hartford is a citizen of Connecticut and Delaware for purposes of determining diversity jurisdiction.

7. Second, the amount in controversy, based on Plaintiff's pleadings, exceeds \$75,000. Plaintiff submitted a property damage claim to the Hartford for approximately \$71,853.86. See Ex. A at ¶¶ 6-8. Plaintiff alleges that Hartford failed to pay the full value of the loss, Id. at ¶ 9, and claims \$45,962.15 in damages on the Civil Action Cover Sheet. See Civil Action Cover Sheet attached hereto as Exhibit C. Plaintiff alleges that Hartford violated G.L. c. 93A and 176D. Pursuant to G.L. c. 93A and 176D, Plaintiff seeks an award of multiple damages and attorneys' fees. See Ex. A at p. 4. Accordingly, based on Plaintiff's claimed damages in the action (\$45,962.15) plus the potential for an award of multiple damages and attorneys' fees, the Plaintiff's claim exceeds \$75,000. See Arrigo v. Scholarship Storage, Inc., 10-11650-MLW, 2011 U.S. Dist. LEXIS 89469, at *12 (D. Mass. Aug. 10, 2011) ("When a plaintiff makes a claim under a statute including a damage multiplier, a court must apply that factor in evaluating the amount in controversy. In addition, a court must take into account attorneys' fees when the

award of those fees is statutorily authorized”); Toro v. Csx Intermodal Terminals, Inc., 12-40115-TSH, 2013 U.S. Dist. LEXIS 19913, *12 (D. Mass. Feb. 14, 2013); see also Spielman v. Genzyme Corp., 251 F.3d 1, 6 (1st Cir. 2001).

8. Accordingly, this Court has jurisdiction over this civil action based upon diversity of citizenship and an amount in controversy greater than \$75,000, pursuant to 28 U.S.C. §§ 1332, 1441 and 1446.

9. In accordance with 28 U.S.C. § 1446(d), written notice of the filing of this removal notice will be filed with the Clerk of Courts for Suffolk County Superior Court, following the filing of this Notice of Removal.

10. Certified or attested copies of all records and proceedings before the Massachusetts Superior Court, Suffolk County, will be filed with this Court within 28 days in accordance with LR 81.1.

11. In submitting this Notice of Removal, the Hartford reserves all defenses to this action.

WHEREFORE, Hartford Fire Insurance Company hereby requests that the above action now pending in the Massachusetts Superior Court be removed to the United States District Court for the District of Massachusetts.

Respectfully submitted,
HARTFORD FIRE INSURANCE COMPANY,
By Its Attorneys,

/s/ Jamie L. Kessler
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CERTIFICATE OF SERVICE

I, Jamie L. Kessler, hereby certify that the documents filed through the ECF system will be sent electronically to the registered participants identified on the Notice of Electronic Filing (NEF) and to all parties of record.

/s/ Jamie L. Kessler
Jamie L. Kessler